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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,367	07/31/2000	Michael Casson Bailey	GB9-2000-0083-US1	4169

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EXAMINER

SHAH, NILESH R

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 09/02/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,367

Applicant(s)

BAILEY ET AL.

Examiner

Nilesh R Shah

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/31/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtis et al (5,896,531) (hereinafter Curtis)

1. As per claim 1, Curtis teaches a method for progressively improving a fit of a pool of reusable environments to requirements of programs in a computer system, the method comprising steps of:

providing a first environment for a first program (col. 9 lines 10-50) ('A method of increasing efficiency within a data processing system having multiple applications executing within said data processing system, each of said multiple applications requiring a specific object management environment');

responsive to initiation of a second program, making a determination whether creation of a new environment is a best response (col. 5 line 45- col. 6 line 50) ('Referring now to FIG. 4, a flowchart depicting a method and system for managing environments within

a data processing system is depicted in accordance with a preferred embodiment of the present invention. As illustrated, the process begins in block 400 and thereafter proceeds to block 402, which depicts a determination of whether or not the task can utilize a reusable OME. If the task can utilize a reusable OME, the process then advances to block 404. Block 404 illustrates a determination of whether or not a reusable OME is available. If a reusable OME is available, the process then proceeds to block 406. Block 406 depicts a determination of whether or not the available reusable OME is compatible with the task.');

responsive to a determination that creation of a new environment is a best response, creating a new environment for the second program (col. 5 line 45- col. 6 line 50) ('Referring now to FIG. 4, a flowchart depicting a method and system for managing environments within a data processing system is depicted in accordance with a preferred embodiment of the present invention. As illustrated, the process begins in block 400 and thereafter proceeds to block 402, which depicts a determination of whether or not the task can utilize a reusable OME. If the task can utilize a reusable OME, the process then advances to block 404. Block 404 illustrates a determination of whether or not a reusable OME is available. If a reusable OME is available, the process then proceeds to block 406. Block 406 depicts a determination of whether or not the available reusable OME is compatible with the task.');

responsive to a determination that creating a new environment is not a best response, testing the pool for a best fit environment (col. 5 line 45- col. 6 line 50) ('Referring again

Art Unit: 2127

to block 402, if the task cannot utilize a reusable OME, the process advances to block 422, which depicts the starting of a transitory OME and the connection of the task to it.');

and

adding elements to the best fit environment to match requirements of the second program, unless the best fit environment already matches the requirements of the second program (col. 5 line 45- col. 6 line 50) ('Block 420 illustrates the starting of a reusable OME and the connection of the task to it. Additionally, the OME is marked as active. The process also proceeds to block 420 from block 406 if a determination that the available OME is incompatible with the task is made. Thereafter, from block 420, the process proceeds to block 410 for processing of task specific work.')

2. As per claim 2 Curtis teaches a method wherein at least one of the first, new and best fit environments is an execution environment (col. 5 line 45- col. 6 line 50) ('Referring now to FIG. 4, a flowchart depicting a method and system for managing environments within a data processing system is depicted in accordance with a preferred embodiment of the present invention. As illustrated, the process begins in block 400 and thereafter proceeds to block 402, which depicts a determination of whether or not the task can utilize a reusable OME. If the task can utilize a reusable OME, the process then advances to block 404. Block 404 illustrates a determination of whether or not a reusable OME is available. If a reusable OME is available, the process then proceeds to block 406. Block 406 depicts a determination of whether or not the available reusable OME is compatible with the task.').

3. As per claim 3, Curtis teaches a method wherein the execution environment is preinitialized (col. 3 line 43- col. 4 line 38) ('In accordance with a preferred embodiment of the present invention, OME 80 may be utilized to reduce the time necessary to connect to server 12. By utilizing OME 80 when communications with server 12 are desired, objects do not need to be initialized since they are already contained in OME 80. Other OMEs may be located within memory 68. Additionally, other OMEs may be accessed and supplied by server 12 to various computers within LAN 10')

4. As per claim 4, Curtis teaches a method wherein at least one of the first, new and best fit environments is eligible to be deleted (col. 5 line 45- col. 6 line 50, col. 7 line 20 –col. 8 line 50) ('the OME should not be kept or maintained, the process then proceeds to block 418. Block 418 depicts the freeing up of the reusable OME storage and the deletion of the reference to the OME.').

5. As per claim 5, Curtis teaches a method wherein at least one least recently used of the first, new and best fit environments is eligible to be deleted (col. 5 line 45- col. 6 line 50, col. 7 line 20 –col. 8 line 50) ('the OME should not be kept or maintained, the process then proceeds to block 418. Block 418 depicts the freeing up of the reusable OME storage and the deletion of the reference to the OME.').

Art Unit: 2127

6. As per claim 6 Curtis teaches a method wherein the elements are parameters of at least one of the first, the new and the best fit environments (col. 5 line 45- col. 6 line 50) ('Referring now to FIG. 4, a flowchart depicting a method and system for managing environments within a data processing system is depicted in accordance with a preferred embodiment of the present invention. As illustrated, the process begins in block 400 and thereafter proceeds to block 402, which depicts a determination of whether or not the task can utilize a reusable OME. If the task can utilize a reusable OME, the process then advances to block 404. Block 404 illustrates a determination of whether or not a reusable OME is available. If a reusable OME is available, the process then proceeds to block 406. Block 406 depicts a determination of whether or not the available reusable OME is compatible with the task.').

7. As per claim 7, Curtis teaches a method wherein the step of responsive to initiation of a second program, making a determination whether creation of a new environment is a best response comprises testing whether the pool has reached a maximum size (fig. 5, col. 7 line 20 –col. 8 line 50) ('If the pool is not empty, the process then advances to block 460. Block 460 illustrates the selection of the next reusable OME from the list of OMEs. Afterward, a determination of whether or not the reusable OME selected is marked as active is depicted in block 462. If the OME is active, control passes to block 463, which depicts a determination as to whether any more OME remain in the list. If so, control returns to block 460. If the determination of block 462 indicates that

Art Unit: 2127

the OME is not marked as active, a determination of whether or not the task can utilize the reusable OME is illustrated in block 464.')

8. As per claim 8, Curtis teaches a method wherein the step of responsive to a determination that the pool has reached its maximum size, testing the pool for a best fit environment comprises a programmatically alterable test (fig. 5, col. 7 line 20 –col. 8 line 50) ('If the pool is not empty, the process then advances to block 460. Block 460 illustrates the selection of the next reusable OME from the list of OMEs. Afterward, a determination of whether or not the reusable OME selected is marked as active is depicted in block 462. If the OME is active, control passes to block 463, which depicts a determination as to whether any more OME remain in the list. If so, control returns to block 460. If the determination of block 462 indicates that the OME is not marked as active, a determination of whether or not the task can utilize the reusable OME is illustrated in block 464.')

9. As per claim 9, Curtis teaches a computer program product, comprising computer program code tangibly embodied in a signal-bearing medium, for, when loaded into a computer system and executed, progressively improving a fit of a pool of reusable environments to requirements of programs in a computer system (col. 5 line 45- col. 6 line 50) ('Referring now to FIG. 4, a flowchart depicting a method and system for managing environments within a data processing system is depicted in accordance with a preferred embodiment of the present invention. As illustrated, the process begins in

Art Unit: 2127

block 400 and thereafter proceeds to block 402, which depicts a determination of whether or not the task can utilize a reusable OME. If the task can utilize a reusable OME, the process then advances to block 404. Block 404 illustrates a determination of whether or not a reusable OME is available. If a reusable OME is available, the process then proceeds to block 406. Block 406 depicts a determination of whether or not the available reusable OME is compatible with the task.’).

10. As per claim 10 Curtis teaches a computer program product wherein the signal bearing medium is at least one of a transmissive medium and a storage medium (col. 3 lines 10-65, fig. 5, col. 7 line 20 –col. 8 line 50) (‘Still referring to FIG. 1, it may be seen that data processing system 8 also may include multiple mainframe computers, such as mainframe computer 18, which may be preferably coupled to LAN 10 by means of communications link 22.’) (‘Block 504 illustrates the allocation of a new storage cell for the reusable OME from system auto-release storage. A storage cell is merely some unit of storage within the data pressing system. The storage may be, for example, memory or a hard disk unit. Auto-release storage is storage within the data processing system that is freed up when the task is completed.’)

11. Claims 11- 18 are rejected based on claims 1-8 respectfully.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh R Shah whose telephone number is 703-305-8105.

The examiner can normally be reached on Monday-Friday 8am-4pm.

Art Unit: 2127

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Grant can be reached on 703-3058-1108. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

NS
August 22, 2003

MAJID A. BANANKHAH
PRIMARY EXAMINER